

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MARK ALAN BUCKNER, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )                          1:22CV834  
                          )  
                          )  
MARTIN J. O'MALLEY, )  
Commissioner of Social Security, )  
                          )  
                          )  
Defendant.<sup>1</sup>        )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) (ECF No. 17) and, on December 15, 2023, was served on the parties in this action, (*see* ECF No. 18). Plaintiff filed Objections to the Magistrate Judge's Recommendation, (ECF No. 23), and the Commissioner responded in opposition, (ECF No. 24).

The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

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<sup>1</sup> On December 20, 2023, President Joseph R. Biden, Jr., appointed Martin J. O'Malley as Commissioner of the Social Security Administration. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin J. O'Malley should substitute for Kilolo Kijakazi as Defendant in this suit. Neither the Court nor the parties need take any further action to continue this suit by reason of the last sentence of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

**IT IS THEREFORE ORDERED** that the Commissioner's decision finding no disability is affirmed, and that this action be **DISMISSED** with prejudice.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 25<sup>th</sup> day of January 2024.

/s/ Loretta C. Biggs  
United States District Judge